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7 EMIL LAWRENCE,  
8 Plaintiff,  
9 v.  
10 CITY AND COUNTY OF SAN  
11 FRANCISCO, et al.,  
Defendants.

Case No. [14-cv-00820-MEJ](#)

**ORDER DENYING MOTION TO  
AMEND COMPLAINT**

Re: Dkt. No. 27

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13 Pending before the Court is Plaintiff Emil Lawrence's Motion to Amend Complaint  
14 pursuant to Federal Rule of Civil Procedure ("Rule") 15(a). Dkt. No. 27. Rule 15(a) states that a  
15 court should freely grant leave to amend when justice so requires. However, once a district court  
16 has issued a scheduling order, Rule 16 controls. The scheduling order limits the time during  
17 which a party can amend its pleadings. At that point, any schedule modification to allow pleading  
18 amendments must be based on good cause. Fed. R. Civ. P. 16(b)(4); *Coleman v. Quaker Oats Co.*,  
19 232 F.3d 1271, 1294 (9th Cir. 2000). Good cause requires diligence by the moving party. A  
20 modification of the pretrial schedule would be merited if the deadline could not be met "despite  
21 the diligence of the party seeking the extension." *Johnson v. Mammoth Recreations, Inc.*, 975  
22 F.2d 604, 609 (9th Cir. 1992).

23 Under the Court's Case Management Order, the deadline for seeking leave to file amended  
24 pleadings was November 17, 2014, nearly one month before Plaintiff filed the present motion.  
25 Dkt. 19. Accordingly, because Plaintiff has not sought to modify the scheduling order, Plaintiff  
26 cannot amend his pleadings. Further, Plaintiff makes no effort to explain his lack of diligence in  
27 seeking to amend. For example, although Plaintiff seeks leave to add defendants, he has been  
28 aware of their names since July 31, 2014, when Defendant responded to discovery, yet he does not

1 state why he could not add them sooner. Thus, as Plaintiff's motion is untimely pursuant to the  
2 May 22, 2014 Case Management Order, and he has failed to explain his lack of diligence under  
3 Rule 16, Plaintiff's motion is DENIED.

**IT IS SO ORDERED.**

6 | Dated: December 29, 2014

**MARIA-ELENA JAMES**  
United States Magistrate Judge

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EMIL LAWRENCE,

Plaintiff,

v.

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CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

Case No. 14-cv-00820-MEJ

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 12/29/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Emil Lawrence  
77 Van Ness Avenue, Floor One, Unit 1304  
San Francisco, CA 94012

Dated: 12/29/2014

Richard W. Wiking  
Clerk, United States District Court

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By:   
Chris Nathan, Deputy Clerk to the  
Honorable MARIA-ELENA JAMES